

House Bill 1321(AS PASSED HOUSE AND SENATE)

By: Representatives Shaw of the 176th, Sims of the 151st, Johnson of the 75th, and Jordan of the 77th

A BILL TO BE ENTITLED

AN ACT

To amend Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to discipline of students in elementary and secondary education, so as to provide that falsifying reports regarding instances of alleged inappropriate behavior by a teacher or other school personnel is addressed in the student code of conduct; to establish a state mandated process for students to follow in reporting instances of alleged inappropriate behavior by a teacher or other school personnel; to provide for notice of such process in student and teacher handbooks; to provide for statements to local media outlets which reported on instances of alleged inappropriate behaviors; to provide for a training program on sexual misconduct for educators; to provide for investigations by Professional Standards Commission staff of a complaint by a student against an educator alleging a sexual offense without commission notification; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to discipline of students in elementary and secondary education, is amended by revising subsection (a) of Code Section 20-2-751.5, relating to student codes of conduct, as follows:

"(a) Each student code of conduct shall contain provisions that address the following conduct of students during school hours, at school related functions, and on the school bus; in a manner that is appropriate to the age of the student:

(1) Verbal assault, including threatened violence, of teachers, administrators, and other school personnel;

(2) Physical assault or battery of teachers, administrators, and other school personnel;

(3) Disrespectful conduct toward teachers, administrators, and other school personnel, including use of vulgar or profane language;

- (4) Verbal assault of other students, including threatened violence or sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
- (5) Physical assault or battery of other students, including sexual harassment as defined pursuant to Title IX of the Education Amendments of 1972;
- (6) Disrespectful conduct toward other students, including use of vulgar or profane language;
- (7) Verbal assault of, physical assault or battery of, and disrespectful conduct, including use of vulgar or profane language, toward persons attending school related functions;
- (8) Failure to comply with compulsory attendance as required under Code Section 20-2-690.1;
- (9) Willful or malicious damage to real or personal property of the school or to personal property of any person legitimately at the school;
- (10) Inciting, advising, or counseling of others to engage in prohibited acts;
- (11) Marking, defacing, or destroying school property;
- (12) Possession of a weapon, as provided for in Code Section 16-11-127.1;
- (13) Unlawful use or possession of illegal drugs or alcohol;
- (14) Willful and persistent violation of the student code of conduct;
- (15) Bullying as defined by Code Section 20-2-751.4; ~~and~~
- (16) Marking, defacing, or destroying the property of another student; and
- (17) Falsifying, misrepresenting, omitting, or erroneously reporting information regarding instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student.

With regard to paragraphs (9), ~~and (11)~~, and (17) of this subsection, each student code of conduct shall also contain provisions that address conduct of students during off-school hours."

SECTION 2.

Said part is further amended by adding a new Code section to read as follows:

"20-2-751.7.

- (a) The Professional Standards Commission shall establish a state mandated process for students to follow in reporting instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student which shall not prohibit the ability of a student to report the incident to law enforcement authorities. Each local school system shall be required to implement and follow such state mandated process and shall include the mandated process in student handbooks and in employee handbooks or policies.
- (b) If it is determined through the state mandated process established pursuant to subsection (a) of this Code section that a complaint against a teacher, administrator, or

1 other school employee is unsubstantiated and without merit, the local school system shall,
2 at the request of the aggrieved party, submit a written statement to that effect to all local
3 print and television media outlets that published any articles or reported any news relating
4 to such complaint against the teacher, administrator, or employee.

5 (c) The Professional Standards Commission shall coordinate a training program on
6 educator sexual misconduct. Such program shall be delivered by trained staff from the
7 Professional Standards Commission, regional educational service agencies, and local
8 school systems. The superintendent of each local school system shall ensure that all
9 certified staff in its school system receive such training.

10 (d)(1) The staff of the Professional Standards Commission shall be authorized, without
11 notification to the Professional Standards Commission, to immediately open an
12 investigation submitted to the commission by a local school superintendent, with
13 approval of the local board of education, of a complaint by a student against an educator
14 alleging a sexual offense, as provided for in Code Sections 16-6-1 through 16-6-17,
15 16-6-20, 16-6-22.2, or 16-12-100.

16 (2) The Professional Standards Commission shall have on staff a minimum of one
17 investigator specifically trained in investigating educator sexual misconduct. The
18 investigation of any complaint of sexual misconduct shall be completed in no more than
19 60 days and shall be presented at the commission meeting immediately following the
20 conclusion of the investigation.

21 (3) If the Professional Standards Commission's review of the investigative report results
22 in a sanction against the educator, the educator shall have the right to appeal the
23 commission decision to a hearing before an administrative law judge within 90 days of
24 such sanction.

25 (e) Nothing in this Code section shall be construed to infringe on any right provided to
26 students with Individualized Education Programs pursuant to the federal Individuals with
27 Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the
28 federal Americans with Disabilities Act of 1990."

29 SECTION 3.

30 All laws and parts of laws in conflict with this Act are repealed.